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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,756	12/31/2001	David E. Pitcher	Rose-12	3680

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Donald N. Halgren
35 Central Street
Manchester, MA 01944

EXAMINER

KIM, SANG K

ART UNIT PAPER NUMBER

3654

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,756

Applicant(s)

PITCHER, DAVID E. 

Examiner

SANG KIM

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 July 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gomberg, U.S. Patent No. 2533731.

Referring to claim 1, Gomberg teaches a pair of rigid annular rings 1, 2, lockably engagable with one another, each ring having an inner arcuate hub flange 6, 7, which defines a hub surface for receiving at least one wrap of said support cable on the hub surface of one side 6; an annular outermost edge 4, 5 on each of said rings, spaced apart from one another when said rings are mated together, said spaced apart annular edges defining a gap greater than said diameter of said support cable and less than twice said diameter of said support cable as shown in Figs. 1-6, and described in column 3, lines 2-17 and lines 30-33.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Gomberg by changing the design of each hub surface to receive at least one wrap of cable as a choice of design. Also, by having each hub surface to receive at least one wrap of cable lacks any disclosed criticality relevant to the invention because each hub surface with one coaxial surface as taught by Gomberg does same functionality as the applicant's invention.

The recitation in the claim that a cable shortener apparatus for permitting the length adjustment of a cable supporting a sign carrier from an overhead support, relates only to a possible or intended use of the device being claimed, but does not further structurally limit the device.

Referring to claims 2-5, and 7-8, Gomberg teaches at least two arcuate circumferentially aligned locking flanges using the slots 8-9 for securing said rings to one another using the lugs 12-13 into the slots as shown in Figs. 1-6.

Referring to claim 6, see claim 1 above.

With respect to claims 9-11 and 13, the method described in these claims would inherently result from the use of invention of Gomberg as advanced above.

Referring to claims 14-15, Gomberg teaches a pair of rigid annular rings 1, 2, each having an outer peripheral lip 3, 3 a hub is disposed between said rigid annular rings, said rings and said hub lockably engaged with one another and able to receive at least one wrap of said support cable, each of said spaced apart lips defining a gap less than twice the diameter of said support cable and also greater than said diameter of said support cable, as shown in Figs. 1-6, and described in column 3, lines 2-17 and lines 30-33.

Since, an inner axially directed lip and a drum defines an inner hub to receive at least one wrap of cable lacks any disclosed criticality relevant to the invention, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Gomberg by adding an additional part, as such as, drum as a choice of design.

The recitation in the claim of a cable shortener apparatus for permitting the length adjustment of a cable supporting a sign carrier from an overhead support, relates only to a possible or intended use of the device being claimed, but does not further structurally limit the device.

Referring to claims 16 and 17, Gomberg teach a rigid an annular generally U-shaped channel formed of generally toroidal shape having an open outermost peripheral gap (no reference number assigned) defined by a pair of radially outwardly directed walls 1, 2; an outermost peripheral lip 4, 5, of each of said walls create a narrow rigidly spaced apart relationship of said outermost peripheral lips for squeezing release of a cable pulled as shown in Figs. 1-6 and described in column 3, lines 2-5.

The recitation in the claim of a cable shortener apparatus for permitting the length adjustment of a cable supporting a sign carrier from an overhead support, relates only to a possible or intended use of the device being claimed, but does not further structurally limit the device.

Gomberg discloses the claimed invention except for a rigid material formed by heat and/or pressure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to mold a rigid material with heat and/or pressure, since it was known in the art that molding a rigid material with heat and/or pressure is a common practiced within the industry.

Referring to claim 18, Gomberg does not state a specific dimension of the cable. It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the cable into a specific dimension as a choice of design to support a desired load.

Response to Arguments

Applicant's arguments filed on 7/28/03 have been fully considered but they are not persuasive with respect to claims 1-15.

Applicant's arguments, see page 12, filed on 7/28/03, with respect to the rejection(s) of claim(s) 16-18 under Burger et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gomberg.

Applicant argues that in the amended claims 1 and 9, the recitation "greater than said diameter of said support cable and less than twice said diameter of said support cable" overcomes the rejection based on Gomberg, which at column 3, line 10, requires the gap be equal to the thickness of the yarn.

Examiner disagrees with the applicant because the applicant fails to look at the whole invention. Gomberg's apparatus is not limited to the gap of equal to the thickness of the yarn. In column 3, lines 29-33 and lines 41-42, the bobbin may be manipulated to space the rims apart and may be entirely separated. Furthermore, figs. 2-3 and 5-6 shows many different selections of the width of the gap.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Kim whose telephone number is (703) 305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SK

10/7/03

Kathy Matecki
KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600